



General Assembly

January Session, 2015

Raised Bill No. 7041

LCO No. 5550



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING AN INDIVIDUAL'S ABILITY TO RECLAIM
PERSONAL POSSESSIONS FROM A REPOSSESSED MOTOR
VEHICLE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Sections (b) and (c) of section 36a-785 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2015*):

4 (b) Not less than ten days prior to the retaking, the holder of such
5 contract, if he so desires, may serve upon the retail buyer, personally
6 or by registered or certified mail, a notice of intention to retake the
7 goods on account of the buyer's default. The notice shall state the
8 default and the period at the end of which such goods will be retaken,
9 and shall briefly and clearly state what the retail buyer's rights under
10 this subsection will be in case such goods are retaken. In the case of
11 repossession of any motor vehicle, the notice shall inform the retail
12 buyer that he or she is responsible for removing all of his or her
13 personal property from the motor vehicle prior to the date of such
14 repossession. If the notice is so served and the buyer does not perform

15 the conditions and provisions as to which he is in default before the
16 day set for retaking, the holder of the contract may retake said goods
17 and hold such subject to the provisions of subsections (d), (e), (f), (g)
18 and (h) of this section regarding resale, but without any right of
19 redemption.

20 (c) If the holder of such contract does not give the notice of intention
21 to retake, described in subsection (b), he shall retain such goods for
22 fifteen days after the retaking within the state in which they were
23 located when retaken. During such period the retail buyer, upon
24 payment or tender of the unaccelerated amount due under such
25 contract at the time of retaking and interest, or upon performance or
26 tender of performance of such other condition as may be named in
27 such contract as precedent to the retail buyer's continued possession of
28 such goods, or upon performance or tender of performance of any
29 other promise for the breach of which such goods were retaken, and
30 upon payment of the actual and reasonable expenses of any retaking
31 and storing, may redeem such goods and become entitled to take
32 possession of the same and to continue in the performance of such
33 contract as if no default had occurred. The holder of such contract shall
34 (1) within three days of the retaking furnish or mail, by registered or
35 certified mail, to the last known address of the buyer a written
36 statement of the unaccelerated sum due under such contract and the
37 actual and reasonable expense of any retaking and storing, and (2) in
38 the case of repossession of any motor vehicle, within one day of the
39 retaking the motor vehicle, furnish or mail, by registered or certified
40 mail, to the last known address of the buyer a written statement
41 indicating that the buyer is responsible for removing all of his or her
42 personal property from the motor vehicle, at no cost to such buyer, not
43 later than fifteen days after the date on which the motor vehicle was
44 repossessed. For failure to furnish or mail such statement as required
45 by this section, the holder of the contract shall forfeit the right to claim
46 payment for the actual and reasonable expenses of retaking and
47 storage, and also shall be liable for the actual damages suffered

48 because of such failure. If such goods are perishable so that retention
49 for fifteen days as herein prescribed would result in their destruction
50 or substantial injury, the provisions of this subsection shall not apply
51 and the holder of the contract may resell the goods immediately upon
52 such retaking.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	36a-785(b) and (c)

Statement of Purpose:

To ensure that an individual is able to reclaim his or her personal property from a repossessed motor vehicle without incurring any fees.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]